



U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

DEPT. OF TRANSPORTATION
DOCKETS

Administrator

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Docket No. NHTSA-02-12150-16

400 Seventh Street, S.W.
Washington, D.C. 20590

JUN 21 2002

BY FACSIMILE

Michael X. Cammisa
Director, Safety
AIAM
1001 19th Street North
Suite 1200
Arlington, VA 22209

Dear Mr. Cammisa:

This is in response to your request that the agency extend the time to comment on its proposed revisions to NHTSA's Confidential Business Information regulations, set forth in 49 CFR Part 512 (April 30, 2002, 67 F.R. 21198). Specifically, you request that the comment period be extended from July 1, 2002, to "a date that is 15 days after the date of issuance of the agency's final rule on 'early warning' reporting of defect-related information."

In support of your request, you assert that "the most significant issue raised by the proposal is the treatment of 'early warning' information that will be reported to the agency under the [TREAD] Act" and that you "cannot prepare effective comments" on this aspect of the agency's proposal "without knowing which information is in question."

In your letter, you recognize that the agency's notice of proposed rulemaking (NPRM) "would apply broadly to various types of information submitted to or obtained by the agency." In addition, the NPRM proposed a number of changes to the agency's Confidential Business Information regulation that relate to procedural issues or are otherwise designed to simplify and improve the clarity of the regulation and to update specific sections of the rule to reflect current case law and legislative action.

The agency does not wish to delay its ability to finalize changes to these other aspects of its regulation. Accordingly, the agency has decided that it will not extend the comment period beyond July 1, 2002. However, the agency recognizes that it has not yet published a final rule on "early warning" reporting of defect-related information and that publication of that rule may generate additional comments. In its NPRM on Part 512, the agency stated:

The agency requests public comments regarding [its proposal]. We are also interested in receiving comments regarding whether any of the proposed class determinations should be applicable to the materials to be submitted under the

agency's "early warning" regulations and whether any additional class determinations should be established. ... The agency seeks comments regarding whether the agency should presumptively determine that these (or a subset of these) types of documents would or would not cause competitive harm to the submitter if released. ... We recognize that a final rule has not yet been issued regarding the "early warning" requirements, but we ask commenters to provide as much information as possible within this comment period.

The agency stated further that, "If necessary, we will allow for additional comments prior to finalizing any class determinations covering the 'early warning' submissions."

Accordingly, the comment period will remain open until July 1, 2002. After that date, the agency will be at liberty to proceed with its preparation of a final rule concerning its Part 512 Confidential Business Information regulation. However, commenters may submit supplemental comments concerning "early warning" (or other) issues relating to this rulemaking action after that date. To the extent possible, comments filed after the closing date will also be considered by the agency.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Runge".

Jeffrey Runge, M.D.